

County of Otero)

At a Regular Meeting of the Board of County Commissioners for Otero County, Colorado, held at the Courthouse in La Junta, Colorado, on the 12th day of August, A.D., 2013, there were present:

<input checked="" type="checkbox"/>	Keith Goodwin,	Chairman
<input checked="" type="checkbox"/>	Kevin K. Karney,	Commissioner
<input checked="" type="checkbox"/>	Jim Baldwin,	Commissioner
<input checked="" type="checkbox"/>	Sharon Sisnroy,	Clerk to the Board
<input checked="" type="checkbox"/>	Jean Hinkle,	County Administrator

when the following proceedings were had and done, to-wit:

Resolution #2013 – 15

A RESOLUTION PROHIBITING THE POSSESSION, CONSUMPTION, USE OR DISPLAY OF MARIJUANA ON COUNTY PROPERTY.

WHEREAS, pursuant to C.R.S. §30-11-107(1)(a) and 30-11-107(1)(c), the Board of County Commissioners of Otero County, Colorado ("Board") has the authority to make such orders respecting real property owned or leased by Otero County as may be deemed conducive to the interest of the inhabitants of the County; and

WHEREAS, C.R.S. §18-9-117 specifically authorizes the Board to adopt rules and regulations as are reasonably necessary for the administration, protection, and maintenance of public buildings and property; and

WHEREAS, Colorado voters approved the adoption of Amendment 64 at the general election held on November 6, 2012, thereby adding Article XVIII, Section 16. *Personal use and regulation of marijuana* to Article XVIII of the Colorado Constitution; and

WHEREAS, Amendment 64 makes lawful the possession, use and consumption of marijuana within certain parameters, but does not permit the open and public consumption of marijuana; and

WHEREAS, a majority of voters in Otero County voted against Amendment 64; and

WHEREAS, Amendment 64 conflicts with federal law, as the possession, cultivation, sale and use of marijuana remains illegal under federal criminal statutes; and

WHEREAS, the Board finds that prohibiting the possession, consumption, use or display of

marijuana on public property is in the best interests of the public health, safety and welfare.


NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Otero, Colorado, that:

The possession, consumption, use or display of marijuana in or on any property owned or leased by Otero County is hereby prohibited.

IT IS FURTHER RESOLVED by the Board that a copy of this Resolution be posted at all public entrances to such buildings and property owned or leased by Otero County.

Adopted this 12th day of August, 2013.

ATTEST:

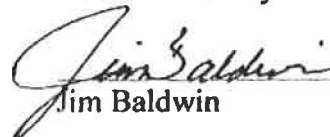

Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS
OF OTERO COUNTY, STATE OF
COLORADO:


Keith Goodwin, Chairman


Kevin K. Karney


Jim Baldwin


ADOPTED ON SECOND AND FINAL READING on the 26th day of August, 2013.

ATTEST:


Clerk & Recorder



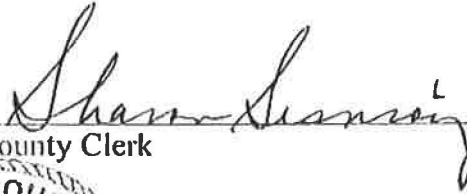
BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, STATE OF COLORADO:


Keith Goodwin, Chairman

CERTIFICATE OF PUBLICATION AND ADOPTION

I HEREBY CERTIFY that the foregoing Ordinance was introduced, read and ordered published on the 12th day of August, 2013, and was published in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, on the 14th day of August, 2013, which dates were at least ten days before adoption of the Ordinance by the Board.

I FURTHER CERTIFY that the foregoing Ordinance was adopted on second and final reading and ordered published by title only, together with any amendments made after first reading, if any, in the La Junta Tribune Democrat, a newspaper of general circulation published in Otero County, on the 26th day of August, 2013.


County Clerk



STATE OF COLORADO)
) ss.
County of Otero)

At a Regular Meeting of the Board of County Commissioners for Otero County, Colorado, held at the Courthouse in La Junta, Colorado, on the 12th day of August, A.D., 2013, there were present:

<input checked="" type="checkbox"/>	Keith Goodwin,	Chairman
<input checked="" type="checkbox"/>	Kevin K. Karney,	Commissioner
<input checked="" type="checkbox"/>	Jim Baldwin,	Commissioner
<input checked="" type="checkbox"/>	Sharon Sisnroy,	Clerk to the Board
<input checked="" type="checkbox"/>	Jean Hinkle,	County Administrator

when the following proceedings, among others, were had and done, to-wit:

Ordinance #2013 – 01

AN ORDINANCE PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, AND RETAIL MARIJUANA STORES.

WHEREAS, the Board of County Commissioners of Otero County, Colorado, pursuant to Colorado statute, is vested with the authority of administering the affairs of Otero County, Colorado; and

WHEREAS, the citizens of Otero County, Colorado have on two occasions strongly opposed measures to approve the medical use and recreational use of marijuana; and

WHEREAS, the Board of County Commissioners agrees with the majority of citizens of Otero County, Colorado, that the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores should be prohibited in Otero County, Colorado;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF OTERO AS FOLLOWS:

Pursuant to the authority granted in Subsection (5)(f) of Article XVIII of the Colorado Constitution the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the unincorporated area of Otero County, Colorado is prohibited.

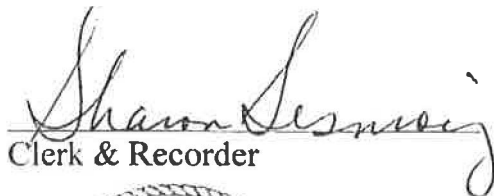
Any person who commits a violation of this Ordinance is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the Otero County jail for not less than ten days nor more than three months, or by such fine and imprisonment. Each day of such violation shall be deemed a separate violation. In addition, Otero County may seek an injunction or other equitable relief in Court to stop any violation of this Ordinance and of any acts prohibited herein and may recover attorney fees and costs for such action.

BE IT FURTHER ORDAINED by the Board that if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or determined to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions hereof.

BE IT FURTHER ORDAINED by the Board that all former County ordinances, resolutions, rules or regulations, or parts thereof, in conflict with this Ordinance are hereby repealed.


INTRODUCED, FIRST READ AND ORDERED PUBLISHED in full in the La Junta Tribune-Democrat this 12th day of August, 2013.

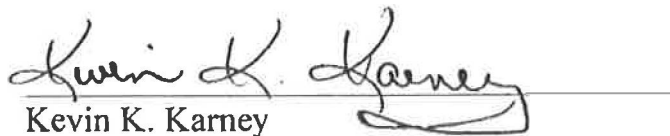
ATTEST:



Clerk & Recorder



BOARD OF COUNTY COMMISSIONERS OF
OTERO COUNTY, STATE OF COLORADO:


Keith Goodwin, Chairman


Kevin K. Karney


Jim Baldwin